

judges of election for said districts as not legal votes for the said John McNeill, Junior; and whereas it appears by the affidavits of sundry persons of said county, to wit, David Shriver, William McKaig, Richard Lamar and Jesse Robinet, that they intended to vote for John McNeill, Junior, although it appears on the face of the ballots exhibited with the said affidavits that they voted for John McNeill—and that there are two several individuals in said county, the one generally and commonly known and distinguished as John McNeill, and the other as John McNeill, Junior. And whereas it also appears from the returns of the judges of election for Kent county, that Hugh Wallis of said county received four hundred and eighty two (482) votes, and one vote unheaded, making in all four hundred and eighty three (483) votes, as a candidate for the General Assembly; and that Philip B. Travilla received four hundred and sixty-seven (467) votes and nineteen votes unheaded, making in all four hundred and eighty-six (486) votes, as a candidate as aforesaid; and that the said unheaded ballots for the said Philip B. Travilla, were in the terms and form following, to wit,

The legitimate source of all political power
is in the People.

For Representative to Congress
Col. George E. Mitchell.

Edward Freeman,
James Boon,
Philip B. Travilla,
Jonathan Harris;

and whereas it also appears that the ballots which were rejected, and which the said judges refused to count for the said Edward Freeman, James Boon, Philip B. Travilla and Jonathan Harris were, nevertheless, considered by the said Judges as legal votes for the said George E. Mitchell as a candidate for Congress, whilst by the act of Assembly of 1805, ch. 97, sec. 13, it is enacted, that “if upon opening any of the said ballots there be found any more names written or printed thereon than there ought to be, such ballots shall be rejected, and not counted,” and if the black line drawn between the name of the said George E. Mitchell and the names of the said Edward Freeman, James Boon, Philip B. Travilla and Jonathan Harris was not a sufficient